

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

October 17, 2005

PRESENT: Tom Cowan, Chairman
Rick Meahl
Terry Janicz
John Olaf
Andy Kelkenberg
Don Hoefler
Christine Falkowski, Planning Board Clerk
Rebecca Baker, Zoning Officer

ABSENT: John Potera

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Public Hearing: 2-Lot Minor Subdivision – Utley & Keller Roads – Lyman Muck

The public hearing was called to order at 7:36PM by Tom Cowan. Paul Muck POA for Lyman Muck attended the hearing. No other interested parties were present. Paul stated that he wants to separate and sell off the house and barns (4.86 acres) from his father's 56-acre parcel. The location of such creates a second parcel (1.44 acres) on the southwest corner of Utley and Keller Roads. Wendel reviewed the application, and their memo of October 3rd requests that a drainage plan be provided for the corner lot. Paul stated that the land is all fractured rock. The lot with the house has a proposed swale for drainage at the southern end and there is a ditch maintained by a farmer. The corner lot is rocky, and has no ditch at the road for a sand filter to drain into. He has no plans to sell it now and may consider merging with Aaron Muck's parcel on Keller, or the buyer of the house may want it as a buffer lot. Therefore, Paul does not wish to provide a drainage plan for this lot at this time. The Town land records will be flagged that this lot is not buildable. Tom made a motion to close the public hearing at 7:45PM, seconded by John and all approved.

On October 13th a meeting was held with Andrew, Dale, Jerry, Tom and Christine to review this meeting's agenda. The vacant lot requires a new culvert to the north under Keller Road. When is it the Town's responsibility to make a lot buildable? Open ditch drainage work can be done by the Highway Dept. when owner pays for materials, but if the required work is more extensive, who picks up the cost? Shift burden to developer, buyer or taxpayers through drainage district funding?

Rick made a motion to approve this 2-lot subdivision with the condition that the 1.44 acre lot created at Keller and Utley Roads is not a buildable lot until a stormwater management plan is provided by developer at developer's cost and approved by Town of Newstead Engineer and Town of Newstead Planning Board, seconded by Terry:

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|-----------------|-------|
| Tom Cowan | - Aye |
| Terry Janicz | - Aye |
| John Olaf | - Aye |
| Rick Meahl | - Aye |
| Don Hoefler | - Aye |
| Andy Kelkenberg | - Aye |

Paul Muck will sign an agreement for the above conditional approval.

One Lot Minor Subdivision – McNeeley Road

James I. Young, Jr.

This item was tabled on October 3rd until a drainage plan can be submitted demonstrating that the proposed development will not adversely impact downstream drainage. Per the Highway Superintendent, the Town previously committed to putting in a new culvert pipe to alleviate flooding in the area. Tom spoke to Mr. McGreavy (buyer), who is preparing an engineered drainage plan for review. If they plan to begin building this year, no grading, seeding or paving will be allowed until the culvert work is completed in the spring of 2006.

Special Use Permit - Triple G Service - 12056 Buckwheat Road - Robert L. George

Reviewed request for special use permit to become permanent instead of annually renewed. Mr. George has been operating this shop for 12 years and we have had no complaints against him. Mr. George feels that one of his neighbors is planning on registering a complaint to sabotage the permit renewal request for 2006. Whether a permit is permanent or renewable, a complaint from a neighbor would warrant review of the operations. Tom made a motion that the Planning Board cannot recommend the Town Board follow any other procedure than the one that is already established for this permit, seconded by Don:

| | |
|-----------------|-------|
| Tom Cowan | - Aye |
| Terry Janicz | - Aye |
| John Olaf | - Aye |
| Rick Meahl | - Aye |
| Don Hoefler | - Aye |
| Andy Kelkenberg | - Aye |

Special Use Permits in RA Zone for Home Based Businesses (April 4th recommendations to Town Board)

There was much discussion on this proposed ordinance and the parameters for current special use permit holders (like Mr. George above) who followed the approval process (no matter what the zone). Questions:

- If a special use permit is revoked, can the property be sold as a business?
- If a special use permit is approved for a commercial venture in a residential zone, does this open up liability to the Town?

Minutes Review – Andy motioned to approve the minutes of October 3, 2005, seconded by John:

- | | |
|-----------------|-------|
| Tom Cowan | - Aye |
| Terry Janicz | - Aye |
| John Olaf | - Aye |
| Rick Meahl | - Aye |
| Don Hoefler | - Aye |
| Andy Kelkenberg | -Aye |

Route 5 Overlay Zone – Checklist

The Board briefly reviewed the October 12th memo and attachments. The Rezoning Committee, Town Board, Planning Board and Zoning Boards have been invited to a joint meeting on Thursday, October 20th at 8:30AM for final amendments to the Overlay District, including signs.

Meeting Dates for remainder of 2005

Tom will be on vacation for most of November. Tom made a motion to change November 7th to October 31st at 8PM, seconded by Don:

- | | |
|-----------------|-------|
| Tom Cowan | - Aye |
| Terry Janicz | - Aye |
| John Olaf | - Aye |
| Rick Meahl | - Aye |
| Don Hoefler | - Aye |
| Andy Kelkenberg | -Aye |

Therefore, the remaining 2005 meeting dates are as follows:

- October 31st **at 8:00PM (Halloween)**
- November 21st at 7:30PM (Tom’s return date/possibility he will not make the meeting)
- December 12th at 7:30PM

Co-Chairman

Terry made a motion to recommend to the Town Board that Andy Kelkenberg be selected as Co-Chairman of the Planning Board, seconded by Rick:

- | | |
|-----------------|-------|
| Tom Cowan | - Aye |
| Terry Janicz | - Aye |
| John Olaf | - Aye |
| Rick Meahl | - Aye |
| Don Hoefler | - Aye |
| Andy Kelkenberg | -Aye |

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|------------------------------|-------------------------------------------|
| Next Agenda deadline: | Friday, October 21, 2005 |
| Next Agenda meeting: | Thursday, October 27, 2005 |
| Next PB meeting: | Monday, October 31, 2005 at 8:00PM |

Members added their daytime phone numbers to the contact list.

Terry made a motion to adjourn the meeting at 9:12PM, seconded by Rick and all approved.

Respectfully submitted,

Christine Falkowski,
Recording Secretary